

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 143

Short Title: Handicapped Parking Fines.

(Public)

Sponsors: Representative Wright.

Referred to: Judiciary III.

February 25, 1999

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE FINE FOR UNLAWFUL PARKING IN
HANDICAPPED PARKING SPACES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-37.6(f) reads as rewritten:

"(f) Penalties for Violation. –

(1) A violation of G.S. 20-37.6(e)(1), (2) or (3) is an infraction which carries a penalty of ~~at least fifty dollars (\$50.00) but not more than one hundred dollars (\$100.00)~~ five hundred dollars (\$500.00) and whenever evidence shall be presented in any court of the fact that any automobile, truck, or other vehicle was found to be parked in a properly designated handicapped parking space in violation of the provisions of this section, it shall be prima facie evidence in any court in the State of North Carolina that the vehicle was parked and left in the space by the person, firm, or corporation in whose name the vehicle is registered and licensed according to the records of the Division. No evidence tendered or presented under this authorization shall be admissible or competent in any respect in any court or tribunal except in cases concerned solely with a violation of this section.

- 1 (2) A violation of G.S. 20-37.6(e)(4) is an infraction which carries a penalty
2 of at least fifty dollars (\$50.00) but not more than one hundred dollars
3 (\$100.00) and whenever evidence shall be presented in any court of the
4 fact that a nonconforming sign is being used it shall be prima facie
5 evidence in any court in the State of North Carolina that the person,
6 firm, or corporation with ownership of the property where the
7 nonconforming sign is located is responsible for violation of this
8 section. Building inspectors and others responsible for North Carolina
9 State Building Code violations specified in G.S. 143-138(h) where such
10 signs are required by the Handicapped Section of the North Carolina
11 State Building Code, may cause a citation to be issued for this violation
12 and may also initiate any appropriate action or proceeding to correct
13 such violation.
- 14 (3) A law-enforcement officer, including a company police officer
15 commissioned by the Attorney General under Chapter 74E, may cause a
16 vehicle parked in violation of this section to be towed. The officer is a
17 legal possessor as provided in G.S. 20-161(d)(2). The officer shall not
18 be held to answer in any civil or criminal action to any owner,
19 lienholder or other person legally entitled to the possession of any motor
20 vehicle removed from a space pursuant to this section, except where the
21 motor vehicle is willfully, maliciously, or negligently damaged in the
22 removal from the space to a place of storage.
- 23 (4) Notwithstanding any other provision of the General Statutes, the
24 provisions of this section relative to handicapped parking shall be
25 enforced by State, county, city and other municipal authorities in their
26 respective jurisdictions whether on public or private property in the
27 same manner as is used to enforce other parking laws and ordinances by
28 said agencies."

29 Section 2. This act becomes effective December 1, 1999.